

Department of Police Accountability 2nd Quarter Report

April o June 2021



Presented to:

The Honorable London N. Breed, Mayor

The Honorable Shamann Walton, President, San Francisco Board of Supervisors

Members, the San Francisco Board of Supervisors

President Malia Cohen and Members, the San Francisco Police Commission

San Francisco Police Chief William Scott

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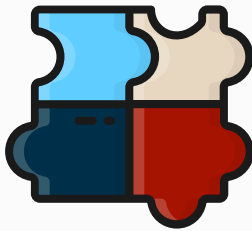
Budget

20

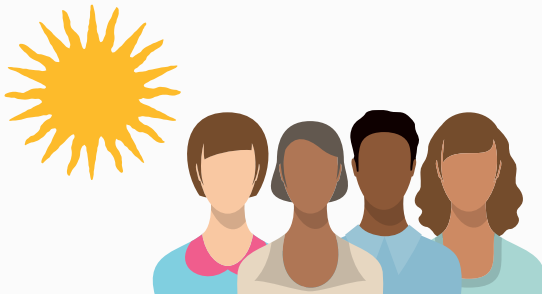
Internship
Program



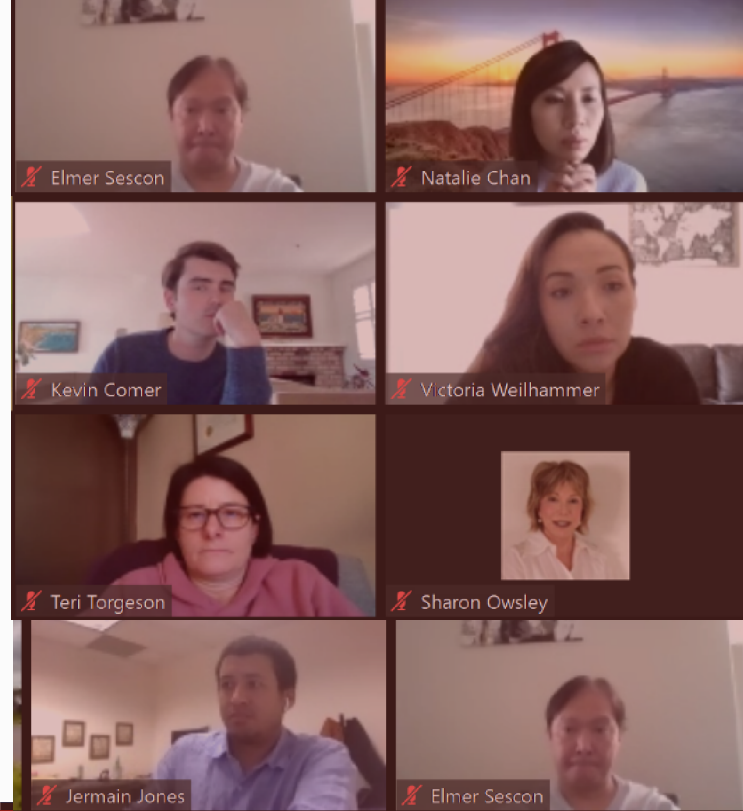
Body-worn camera
footage was used to
determine the outcome in
23 cases



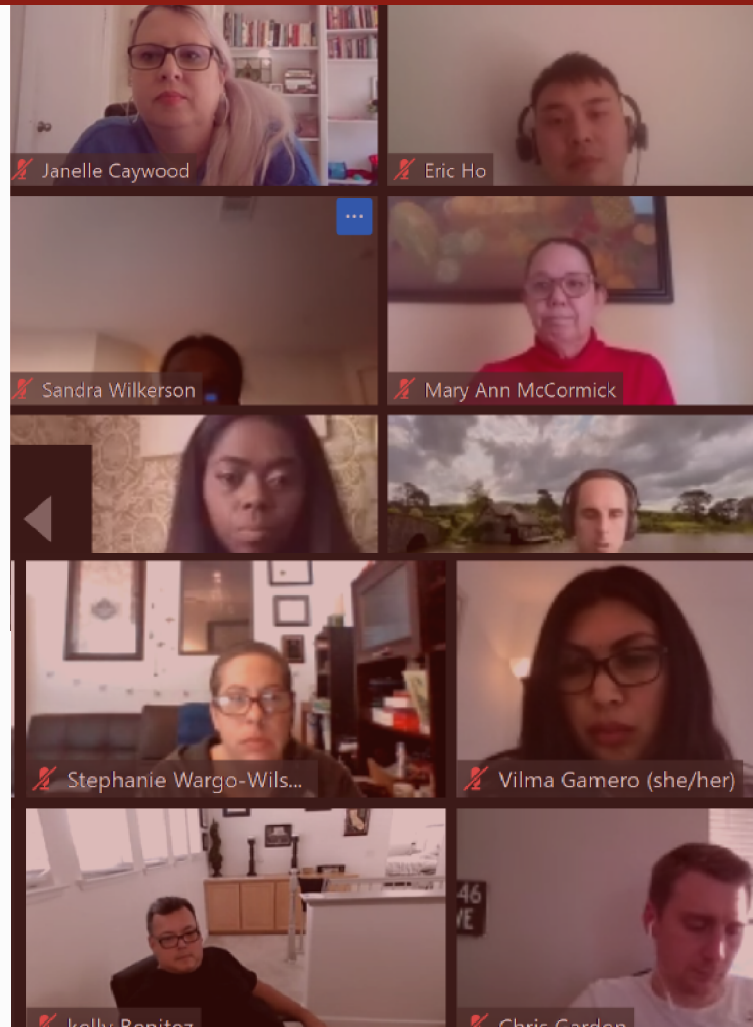
Mediated 14 cases



Kickoff of the
Department of Police
Accountability (DPA)
Summer Internship
Program



KEY TAKEAWAYS

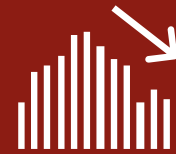


INVESTIGATIONS

The Department of Police Accountability (DPA) saw a dip in cases received during the second quarter of 2021. During this period, the DPA investigators received a total of 197 cases, a 15% decrease from 232 in the same period of 2020. Case closures increased in 11% to 225 in the same period, up from 203 in the second quarter of 2020.

The DPA brought a total of 508 allegations against officers in the second quarter of 2021, the majority being for Neglect of Duty. Of the allegations brought against sworn members of the SFPD, 219 allegations, or 43%, were found to be either Proper Conduct or Unfounded.

Body-worn camera footage continued to be a valuable investigative tool. From April through the end of June, the DPA investigated 23 cases where the events captured on officers' cameras proved to be outcome determinative.



Cases Received
In 2Q Decreased
By 15% Year-On-
Year To 232



Case Closures In 2Q
Increased By 11%
Year-on-year To 225



43% Of The Allegations
Brought Against Officers
During 2Q Were Found
To Be Proper Conduct

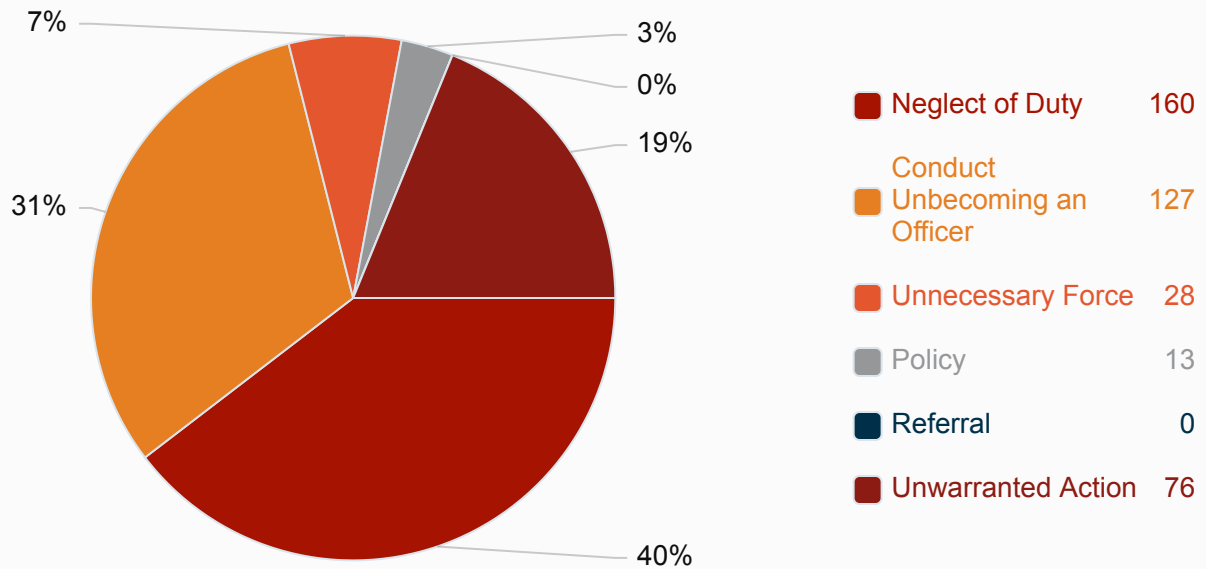


Body-worn Camera
Footage Was Outcome-
determinative In 23
Investigations.

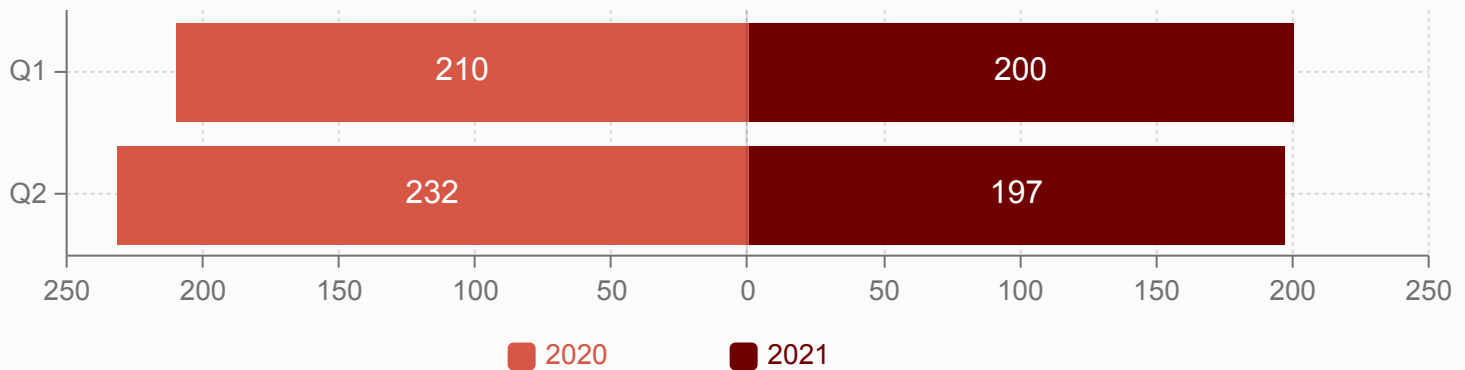
FINDINGS

Allegations Received by Type

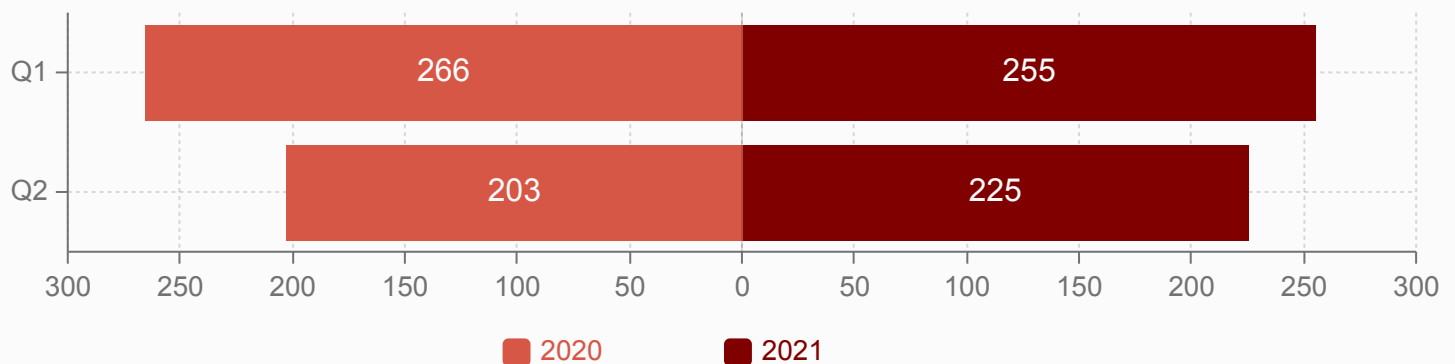
N = 404



Cases Opened by Quarter

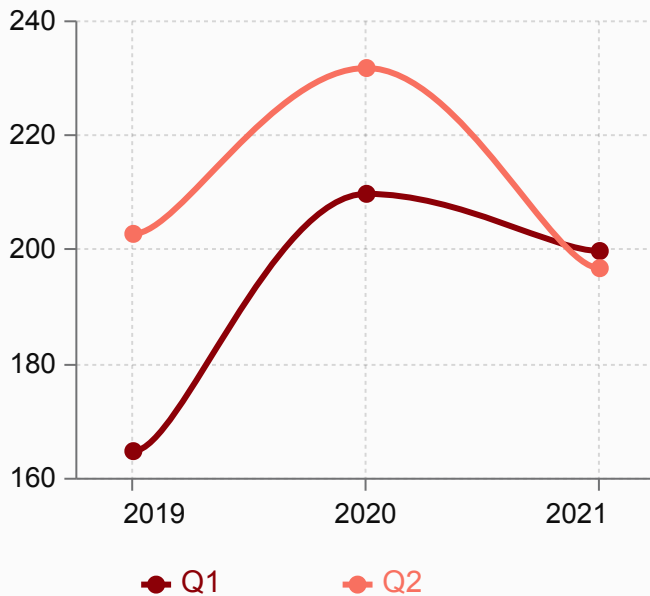


Cases Closed by Quarter

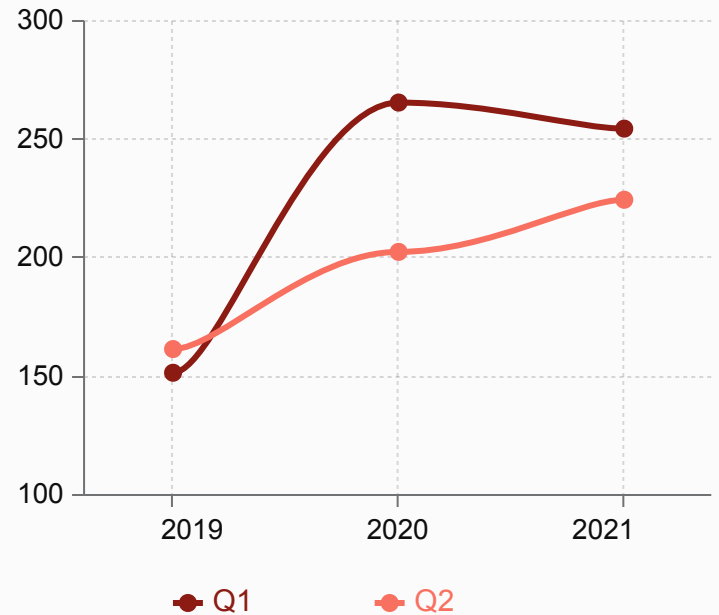


FINDINGS

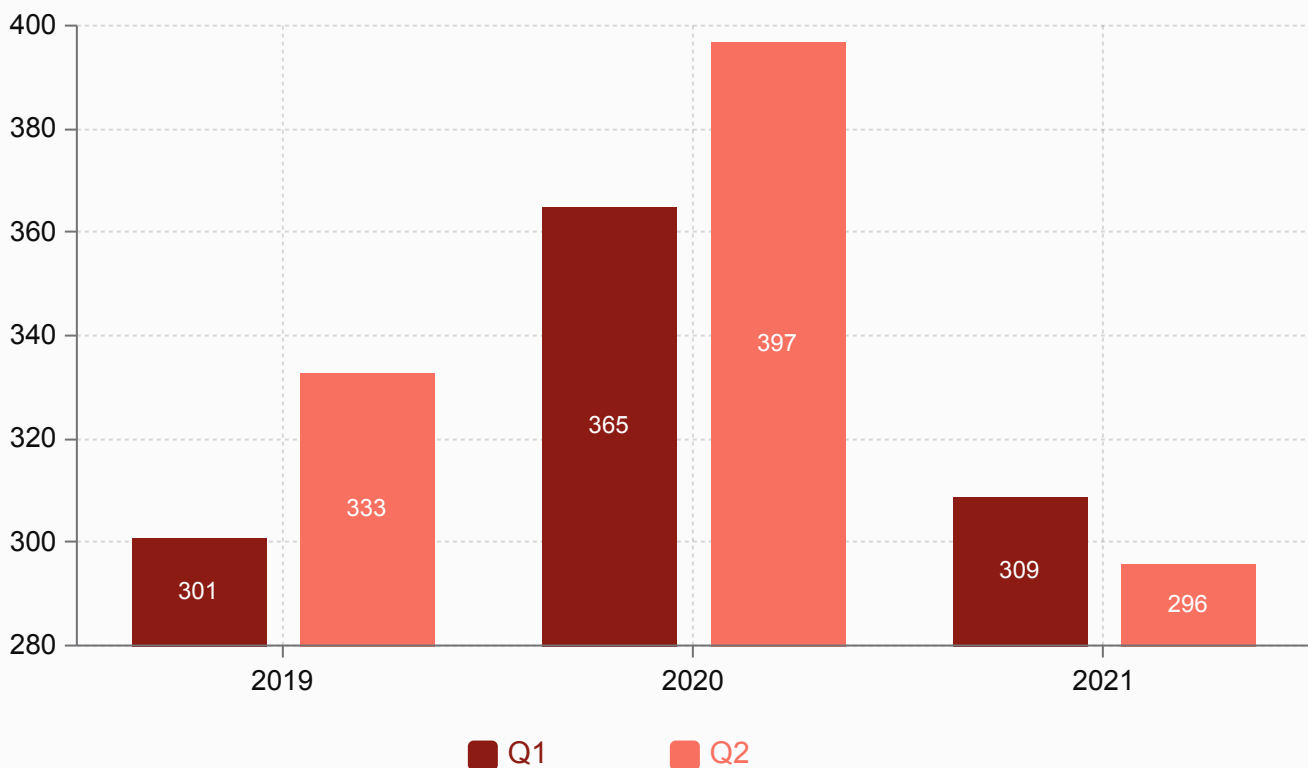
Three Year Comparison of Cases Opened by Quarter and Year



Three Year Comparison of Cases Closed by Quarter and Year



Three Year Comparison of Cases Pending by Quarter and Year

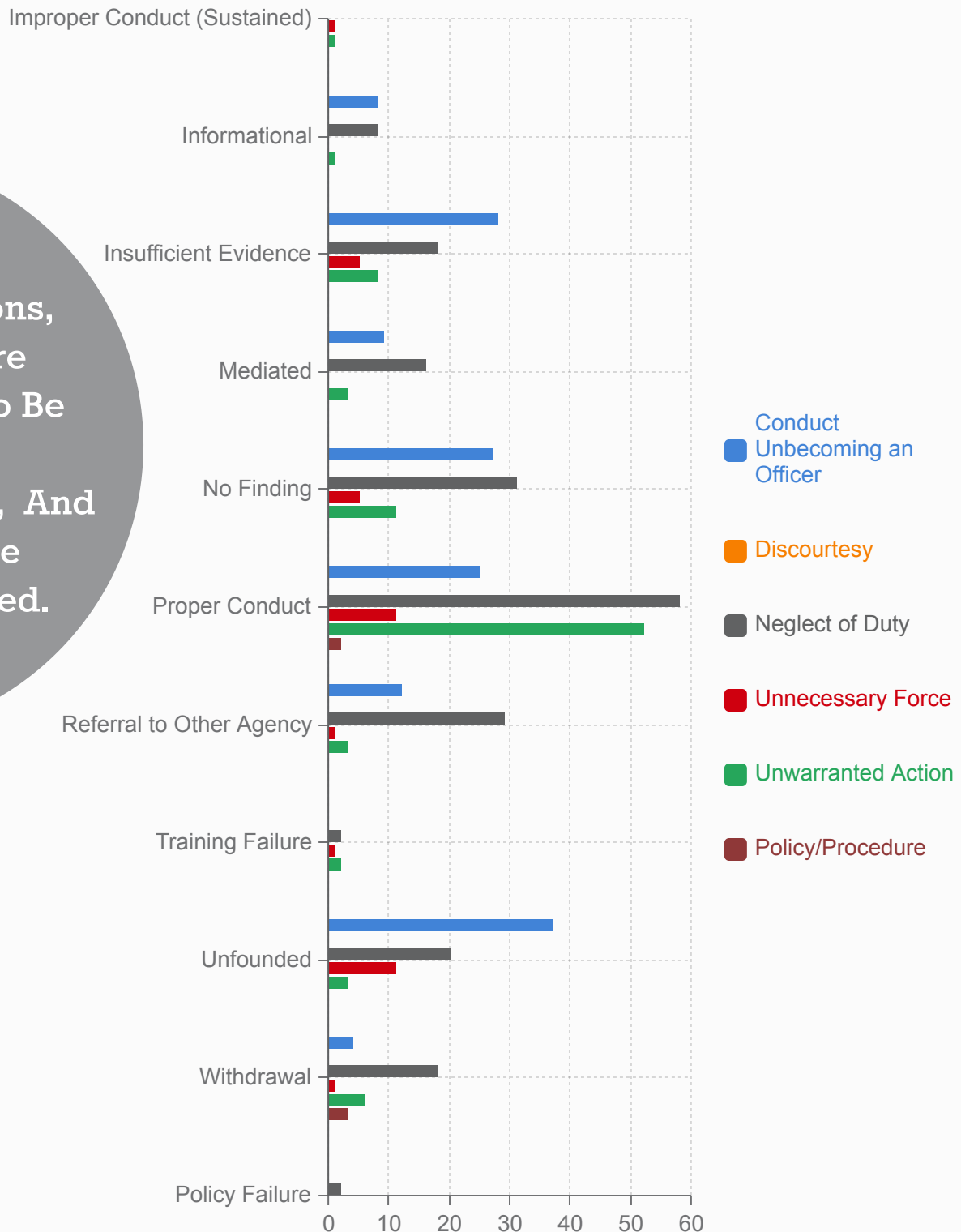


FINDINGS

Findings by Allegation Type

N = 508

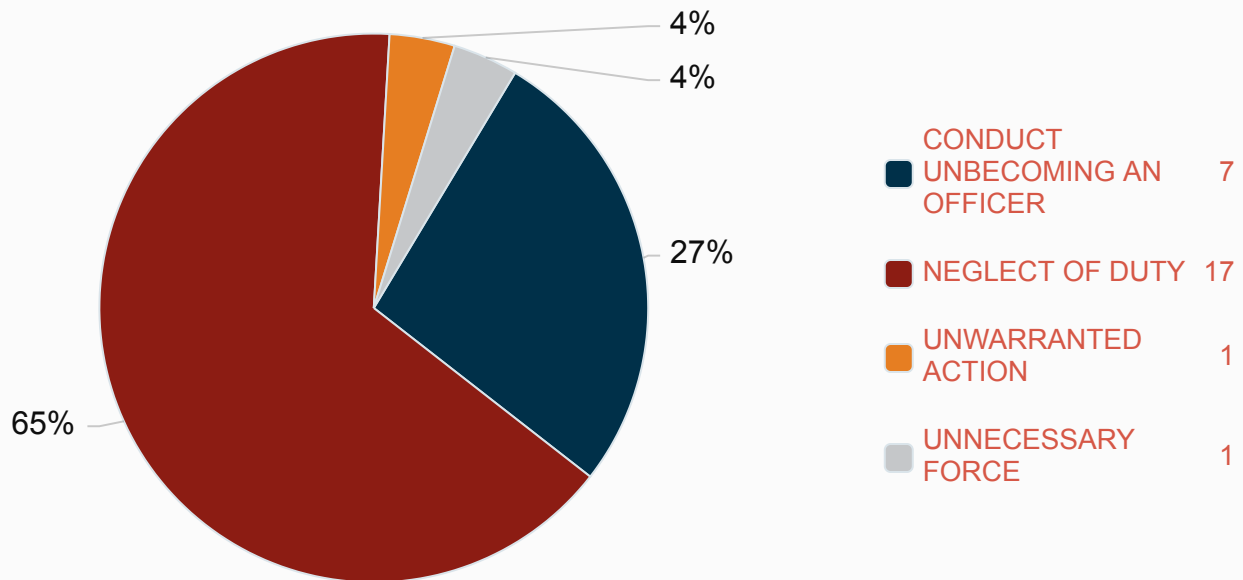
Of 508 Allegations, 29% Were Found To Be Proper Conduct, And 14% Were Unfounded.



FINDINGS

Improper Conduct Findings by Allegation

N = 26



Each allegation type has subtypes.

For example, the Neglect of Duty allegation category includes an officer's failure to activate a body-worn camera and also an officer's failure to prepare an accurate incident report.

| Neglect of Duty | Conduct Unbecoming an Officer | Unwarranted Action | Use of Force |
|--|------------------------------------|--|---|
| Failure to activate body-worn camera | Inappropriate comments or behavior | Misused city property for personal use | Used a carotid restraint hold |
| Failure to follow SFPD policy or law | Racial bias | Issuing a citation without cause | Failure to comply with DGO 5.01 |
| Failure to write an incident Report | Sexual slurs | Handcuffing without cause | Unnecessary or excessive force |
| Failure to provide name and star number upon request | Misrepresenting the truth | Improper search or seizure of a person, property, or vehicle | Intentionally and improperly discharged a firearm |
| | Misused police authority | | |

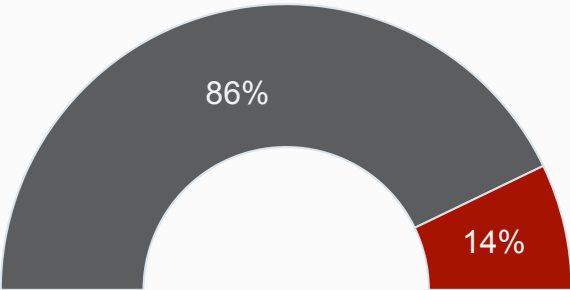
FINDINGS

IMPROPER CONDUCT FINDINGS

BY ALLEGATION TYPE

Conduct Unbecoming an Officer - Allegations Summary

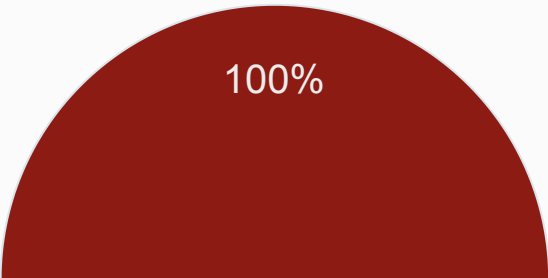
N = 7



- The officer behaved or spoke inappropriately. 6
- The officer engaged in sexually derogatory behavior or made sexually derogatory comments. 1

Unwarranted Action - Allegations Summary

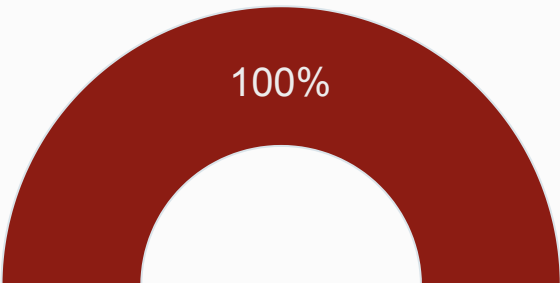
N = 1



- The officer conducted an improper search or seizure. 1

Use of Force - Allegations Summary

N = 1



- The officer failed to comply with DGO 5.01. 1

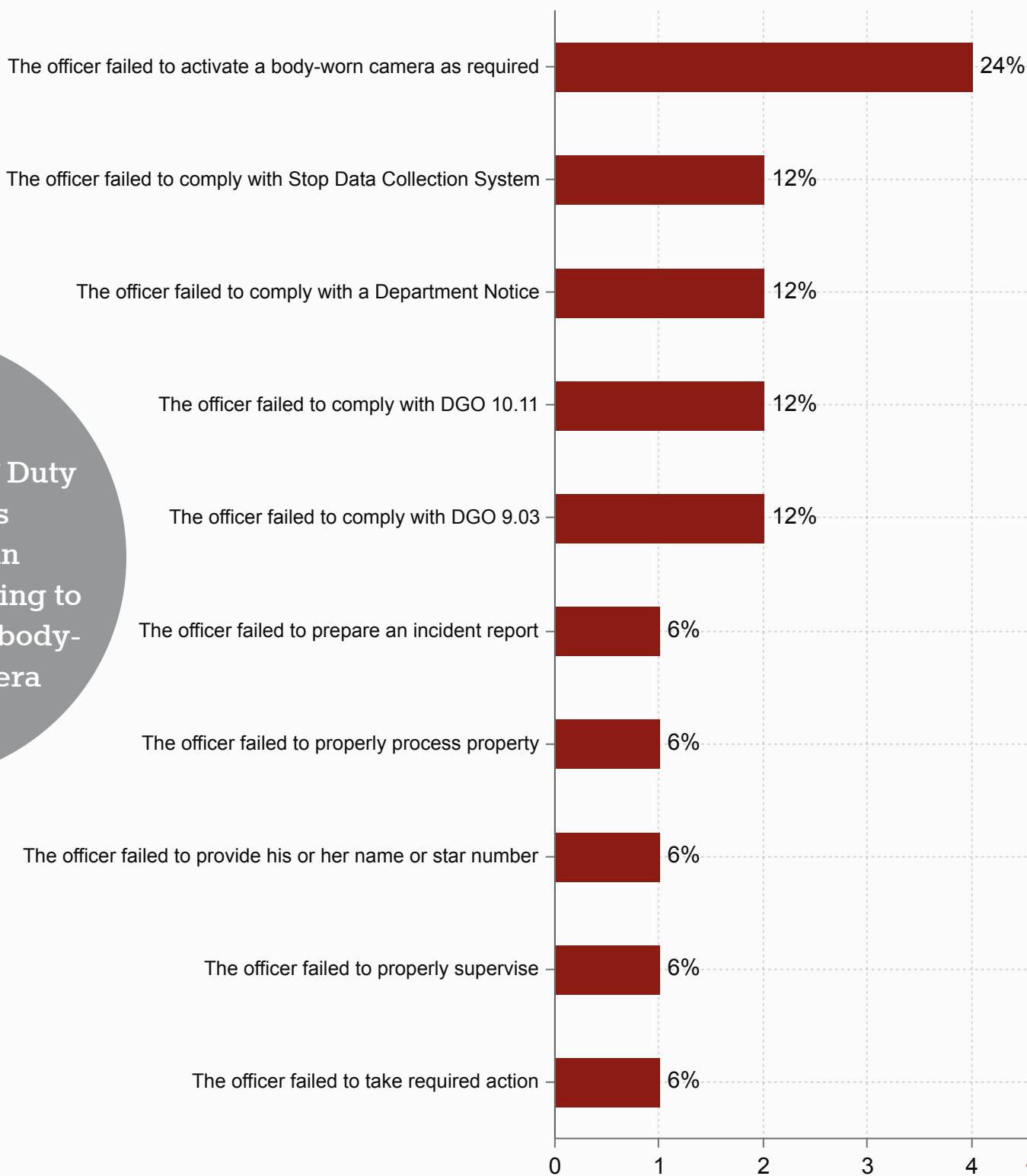
FINDINGS

IMPROPER CONDUCT FINDINGS

BY ALLEGATION TYPE

Neglect of Duty - Allegations Summary

N = 17



24% of the sustained Neglect of Duty allegations involved an officer failing to activate a body-worn camera

COMPLAINANT DEMOGRAPHICS

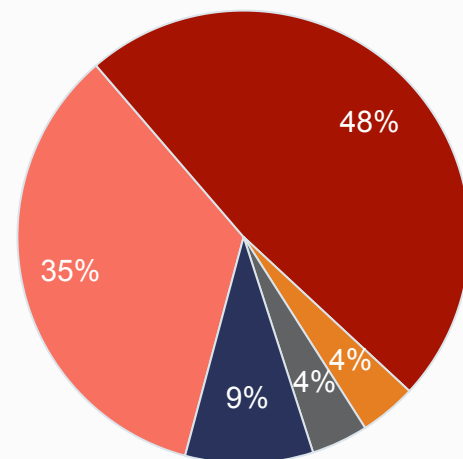
| Race/Ethnicity | # | % |
|---------------------------|------------|-------------|
| Asian | 17 | 9% |
| Black or African American | 25 | 13% |
| Hispanic or Latinx | 15 | 8% |
| White | 65 | 32% |
| Other | 13 | 7% |
| Declined to State | 62 | 31 % |
| Total | 197 | 100% |

| Age | # | % |
|-------------------|------------|-------------|
| 1-13 | 0 | 0% |
| 14-16 | 1 | 0.5% |
| 17-19 | 0 | 0% |
| 20-30 | 16 | 8% |
| 31-40 | 46 | 23% |
| 41-50 | 23 | 12% |
| 51-60 | 25 | 13% |
| 61-70 | 23 | 12% |
| 71-80 | 5 | 3% |
| Over 80 | 3 | 2% |
| Declined to State | 55 | 28% |
| Total | 197 | 100% |

| Complainant | # | % |
|------------------------|------------|-------------|
| Complainants | 186 | 94% |
| Anonymous Complainants | 11 | 6% |
| Total | 197 | 100% |

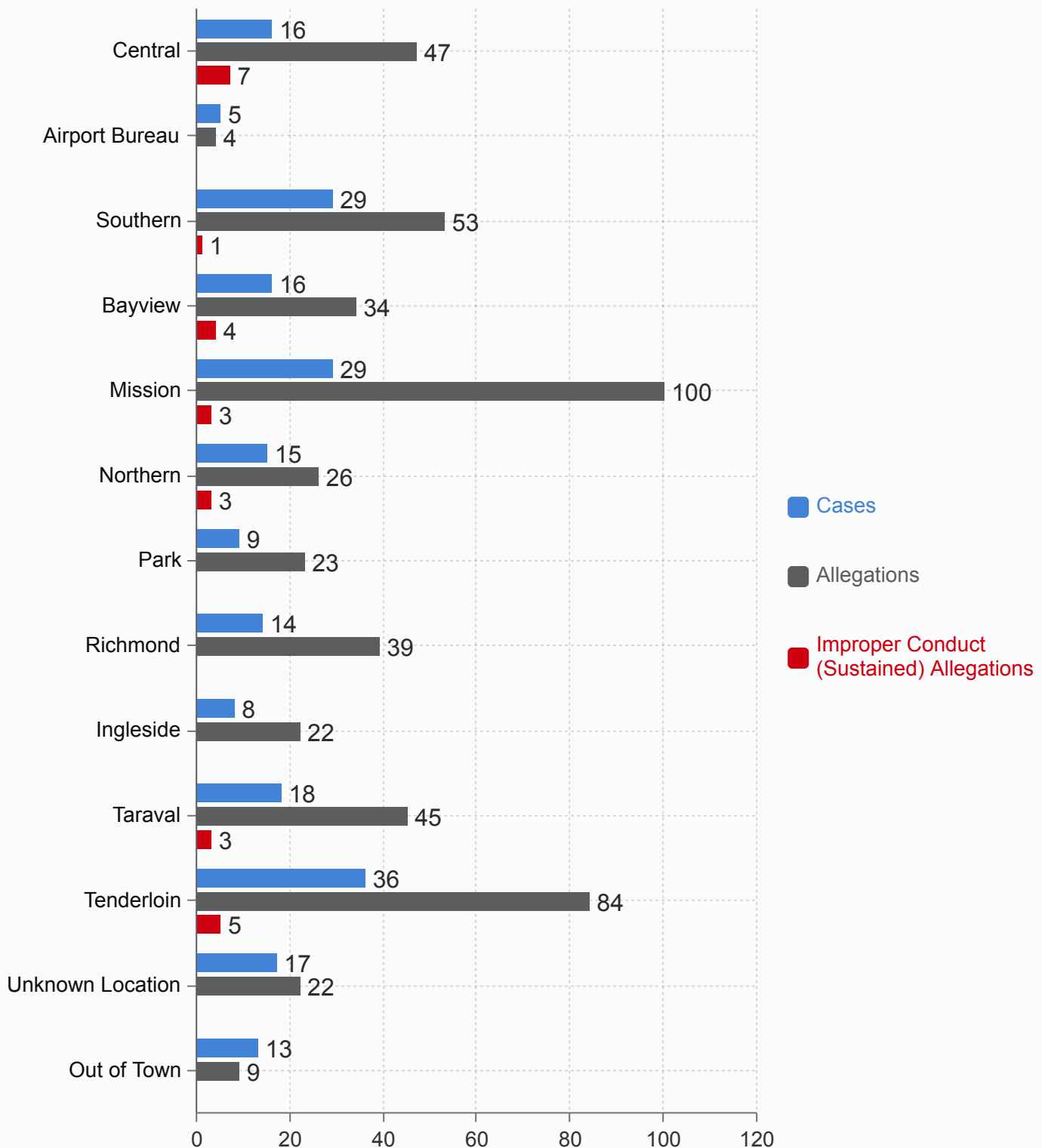
| Gender | # | % |
|---------------------------------|------------|-------------|
| Female | 55 | 28% |
| Male | 83 | 42% |
| Genderqueer / Gender Non-binary | 1 | 1% |
| Transgender | 1 | 1% |
| Declined to State | 57 | 29% |
| Total | 197 | 100% |

How Complaints Were Received



■ Online 68
 ■ Phone 95
 ■ Mail 8
■ SFPD 8
 ■ Other 18

FINDINGS BY DISTRICT



FINDINGS

Case Totals by District



MEDIATIONS

Few would argue with the idea that greater awareness around diversity, inclusion, and equity strengthens our communities. But for Mediations, awareness is not enough. If we are to meet the emerging expectations of our community, we have to ensure these principles are fully incorporated into our mediation practices and processes. Our goal is to achieve a quality mediation process with equally high outcomes for all participants, regardless of social or cultural factors.

We meet this mandate by reinforcing, through continuous mediator training and workshops, four important objectives:

1. Improve our understanding of the impact diverse backgrounds can have on the mediation process
2. Design our mediation process specifically for participant inclusion
3. Distinguish between equality and equity by concentrating; on the participant's individual needs
4. Deliver consistency in our mediation model by adhering to the principles outlined in our first three objectives

Mediations designs training modules, including the most up-to-date research for increasing mediator competence in a range of critical factors. However, we have learned that the mediator's candid conversation, informed by their own diversity and life circumstances, is the greatest factor in increasing program engagement.



Accelerating Awareness And
Expertise To Meet Higher
Expectations



Continuous Mediator
Trainings And Workshops

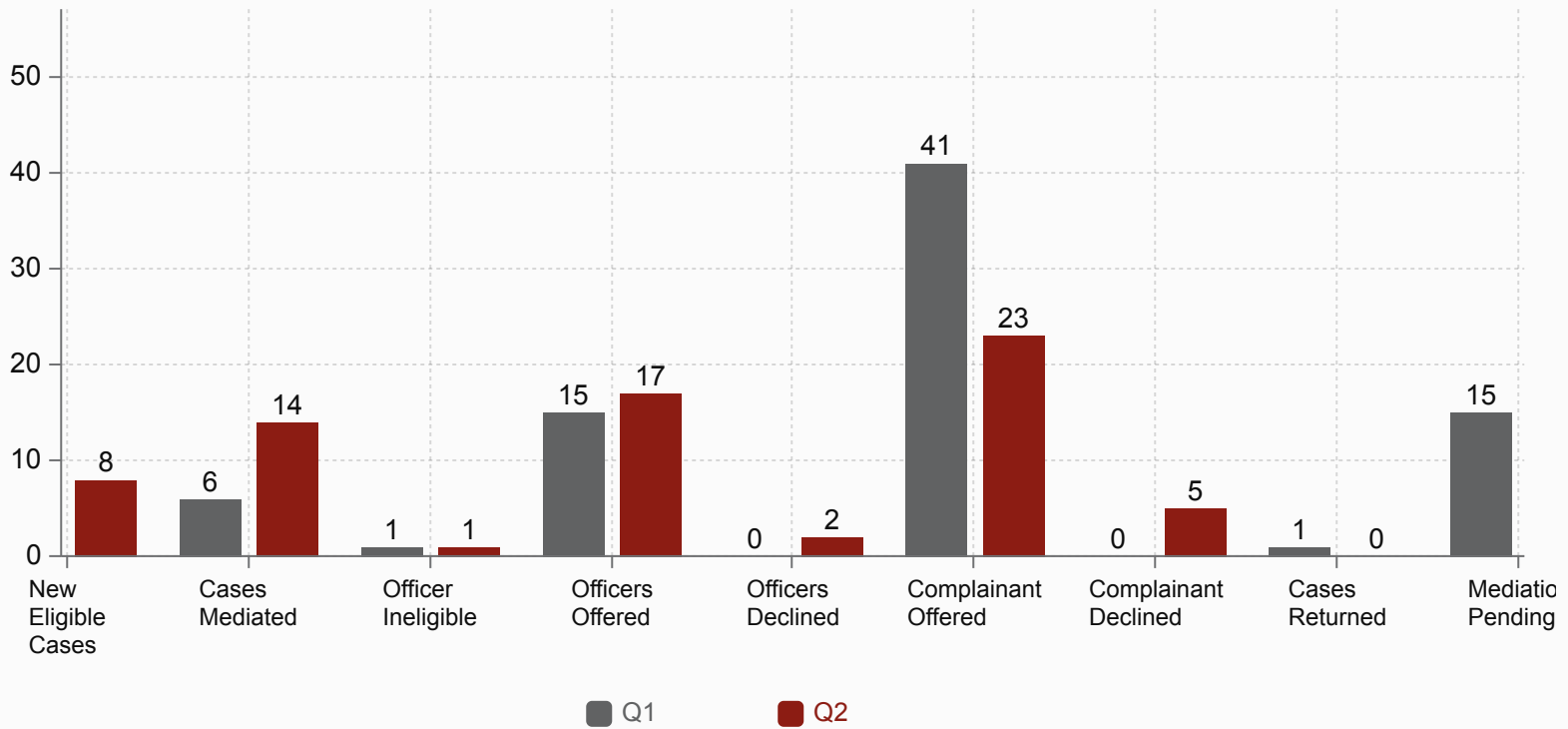


Focused On Diversity
Inclusion And Equity



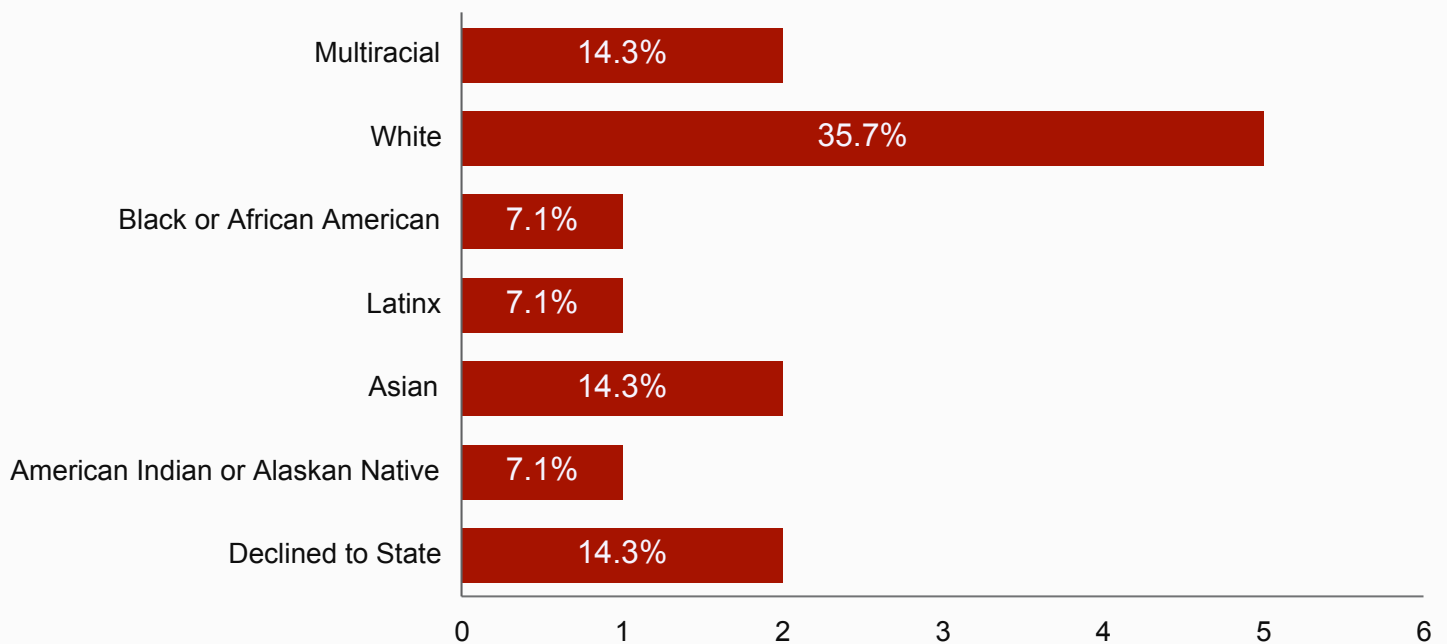
Serving The
Community

MEDIATION FINDINGS



Mediation Demographics

N = 13



POLICY

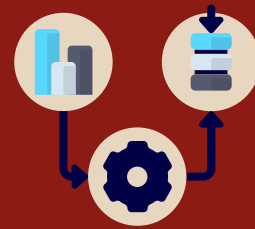
In 2Q, the DPA provided a total of 51 recommendations to the San Francisco Police Department (SFPD) regarding multiple Department General Orders (DGOs) that SFPD is in the process of updating. Specifically, the DPA made recommendations on DGO 6.16 - SFPD's Sexual Assaults, DGO 5.06 - Citation Release, and DGO 9.03 - Mandatory Blood Tests for Drivers Under the Influence. Importantly, the DPA also did a deep policy dive with SFPD and the San Francisco Police Commission (Police Commission) regarding how best to update DGO 3.01, SFPD's policy on creating and updating written directives, in a timely manner while improving DPA-SFPD collaboration and transparency.

The DPA also began working with SFPD on a DPA-initiated DGO, limiting questioning and searching of individuals who may be on probation, parole, or other forms of supervised release. The DPA proposed this DGO because it is a concrete step that SFPD can use to guard against biased policing. The DPA is aware that the community considers questions about probation and parole status, particularly during consensual encounters and traffic stops, to be unnecessarily intrusive and based upon an improper assumption that people of color are more likely to have criminal records.

To correct this problem, the DPA's proposed DGO prohibits officers from questioning individuals about their supervised release status unless the inquiries fall under three narrowly tailored circumstances that are tied to legitimate law enforcement purposes. The proposed policy also limits searches of people who are on probation or parole for nonviolent offenses and subject to warrantless search conditions.



Proposed Policy Limiting
Questions On
Probation/Parole Status
To Combat Biased
Policing



51 Policy
Recommendations On
SFPD General Orders
Up For Revision



Proposed Policy Limiting
Probation/Parole
Searches For Non-Violent
Offenders

POLICY

CONTINUED

Also, in 2Q, the DPA created a Recommendation Feedback Matrix and presented it to the Police Commission. The matrix creates a feedback loop that allows the Police Commission to track community, the DPA, and stakeholder recommendations. The matrix also allows the Police Commission to log actions SFPD takes in response to those recommendations.

| Reported Issues | | Evaluation of Issues | | | | Corrective Action(s) | |
|-----------------|--|----------------------------|--|----------------------------|--|---|-------------------------------|
| Raised By | Recommendation | Police Commission Response | Police Commission Response Explanation | Police Department Response | Police Department Response Explanation | Implementation Status (determined by Police Commission) | Implementation Deliverable(s) |
| Example | Require ongoing in-person and/or virtual synchronous anti-racism training and coaching. | | | | | | |
| | Implement mental health services at every facility. | | | | | | |
| DPA | Adopt a Pretext Stop DGO to give direction to officers on the Commission's policy. | | | | | | |
| Public Defender | Eliminate "Quality of Care" stops, including: license plate violations, broken tail lights, tinted windows, registration expired by less than 6 months | | | | | | |

OUTREACH

The DPA's Outreach Division serves as our agency's point of contact with the community it serves. The program aims to build transparency through community engagement by improving the public's understanding of the DPA's services, goals, and accomplishments.

During this quarter, the DPA supported the Human Rights Commission's Solidarity Campaign, which was intended to unify Black, Indigenous, and People of Color (BIPOC) communities in standing against hate, bias, and violence. The DPA offered translation, interpretation, and informational services for the solidarity kit and contributed a pre-recorded video.

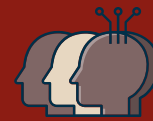
Over the course of the second quarter, the DPA completed over 65 hours of community outreach with various organizations, departments, and companies. The DPA also continued to staff the local SFPD district station meetings.

The Outreach team is also in the final stages of producing the Know Your Rights trifold wallet card. The outreach team plans to distribute the card to San Francisco youth and host Know Your Rights presentations for high school students.

Finally, the Outreach team periodically met with the following organizations and departments: The Human Rights Commission, the Rochester Oversight agency, the Racial Equity Law Enforcement Team, and MegaBlack SF.



Supported The Human Rights Commission's Solidarity Campaign



Completed Over 65 Hours Of Community Outreach



"Know Your Rights" Trifold Card Is Now In Production Stage



Continued Work With Community Partners

STATE BILL 1421

State Bill 1421 (SB 1421) is a 2019 law that made certain previously confidential investigation records available to the public. To qualify for disclosure, a case must involve a great-bodily injury, an officer-involved shooting, a proven allegation of sexual assault, or a proven allegation that an officer was dishonest in reporting or investigating a matter. The public records team continued a large-scale effort to identify and release qualifying records in the DPA's archives in the second quarter. Before being publicly released, records must be redacted to comply with state and federal privacy laws. All disclosed cases are published to a public web portal at sfdpa.nextrequest.com.

In the 2Q, the DPA released 5 great-bodily injury cases (1,990 pages), 2 officer-involved shooting investigations (428 pages), and additional records for a dishonesty case (448 pages). Additionally, 79 cases were reviewed and determined to be exempt from disclosure.

By the end of the quarter, the DPA's SB 1421 releases totaled 29,936 pages of records for 45 cases, including 8,475 pages of great-bodily injury records (33 cases), 18,923 pages of officer-involved shooting records (11 cases), and 2,538 pages of officer dishonesty records (1 case).

Publishing the DPA's investigative records is a historic step toward increasing transparency for officer misconduct investigations.



SB 1421 Portal Accepts
SB1421 and Public
Record Requests



Pages Disclosed
In 2Q – 2,866



Total Pages Disclosed
As Of 2Q – 29,936



Total Cases Disclosed
As Of 2Q – 45

AUDITS

In May, the Association of Local Government Auditors (known as ALGA) presented San Francisco the Distinguished Knighton Award for its audit titled *The Police Department Needs Clearer Guidance and More Proactive Governance for Better Use-of-Force Data Collection and Reporting*. The Knighton Award recognizes the best performance audit reports of the year, and the judges were unanimous in finding the report subject matter to be responsive to the needs and concerns of decision-makers and the public. The DPA and the Office of the Controller are following-up on the status of SFPD's implementation of the report's 37 recommendations to improve and strengthen its use-of-force reporting and data collection process, analysis of collected use-of-force data, and public reporting of use-of-force data.

The DPA is currently auditing SFPD's compliance with Department General Order 8.10 Guidelines for First Amendment Activities. SFPD must follow these guidelines in every criminal investigation that involves First Amendment activities of a person, group, or organization. The audit is in the fieldwork stage. During fieldwork, auditors obtain evidence that provides a reasonable basis for findings and conclusions based on the audit objectives.

Also in 2Q, the DPA initiated an audit of how SFPD handles claims of officer misconduct. As part of this audit, the DPA will also review how SFPD handles allegations of bias and discrimination.



Planning – Review
Background Information
And Develop Audit
Objectives



Fieldwork – Gather
Information And Analyze
Data



Reporting – Present And
Publish Audit Results



Follow-up – Determine
Whether Corrective
Actions Are Actually Taken

OPERATIONS & TECHNOLOGY

In 2Q, the DPA continued to follow the City's cybersecurity standards and successfully upgraded all workstations, including all on-premise and remote machines, to the newest software build to continue to capture all security updates and patches.

The DPA reopened its office on July 6, 2021, for in-person services. This included the ability to file a police complaint in person and, for the first time ever, the ability to file an online complaint on DPA premises. To offer this new service, the DPA installed a secure kiosk to allow individuals who lack Internet access to submit online complaints and evidence onsite.

The DPA continued to work with the City's Digital Services to create and build a new website for the department. Web page drafts were submitted and redesigned to meet users' current needs. Moreover, the DPA continued working with consultants to improve our case management system reporting structure. This led to the successful creation and launch of multiple automated dashboards in our case management system for real-time reporting and decision-making purposes.

The DPA continued to seek new and modern technology approaches, including performing audio and video redactions and analyzing body-worn camera footage for insightful findings and trends.



Successful Upgrade Of All Systems To Newest Build For Security Compliance



Reopening of Office For All In-person Services



Creation Of Real-time Dashboards Or Increased Operational Productivity



Ongoing Implementation Of Modern Technology For More Meaningful Work Product

BUDGET

During the second quarter of the calendar year, and in line with the City's annual budget cycle, the DPA worked closely with the Mayor's, Controller's, and Board of Supervisors' respective budget offices to develop and balance the Department's budget for fiscal years 2021-22 and 2022-23. The DPA's final budget reflects the Mayor's directive to prioritize core services, and recovery and equity programs.

The DPA prepared the 9-Month Report, which summarizes and compares actual spending with remaining budget to anticipate surplus and deficits through the end of the fiscal year. Expenditures were on track and within budget.

In May, the DPA responded to the Board of Supervisors' request for budget information. The requested information reviewed the current fiscal year as well as any enhancements and major budget changes for the upcoming fiscal years.

In the final month of the fiscal year, the DPA presented its proposed budget to the Board of Supervisors Budget & Finance Committee and successfully finalized its budget for the next two fiscal years. The department is pleased to have secured permanent positions to support critical records disclosure work due to SB1421. Additionally, adjustments were made to better align the department's budget with its historical spending.



Completed 9-Month Report



Collaborated With Mayor's Office and Board of Supervisors' Budget Offices



Presented Proposed Two-Year Budget at Budget & Finance Committee



Finalized Budget that Supports Critical Functions

INTERNS

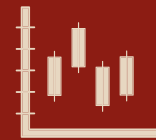
On June 9, 2021, the DPA began its summer Law and Justice Reform Internship Program in partnership with the Mayor's initiative, Opportunities For All (OFA). Ten interns comprise this summer's cohort, making it the largest internship class at the DPA ever. The cohort includes three high school students, two college students, and five law school students. The program is a fusion between virtual and in-person work.

The summer interns have collaborated with the DPA staff on a variety of projects. These have included summarizing and reviewing body-worn camera footage, policy research, drafting memorandums, participating in podcasts, and assisting with community outreach. The cohort also participated in a speakers series with various City elected officials and employees in both the private and public sectors. In addition to the DPA summer intern cohort, the San Francisco District Attorney's Office's interns joined these meetings as well.

Finally, the interns read select chapters in [Biased](#) by Jennifer L. Eberhardt to create their final presentation project. The final presentation revolved around bias and San Francisco police reform.



Largest Summer
Internship
Cohort



Interns Are Working
Virtually And
In-Person



Weekly
Developmental
Speaker Series



Summer Reading: *Biased* By
Jennifer L. Eberhardt

SUMMER INTERNS



Top: DPA Interns and Volunteer Attorneys with DPA Executive Director Paul Henderson



DPA Summer Interns

HOW TO MAKE A COMPLAINT



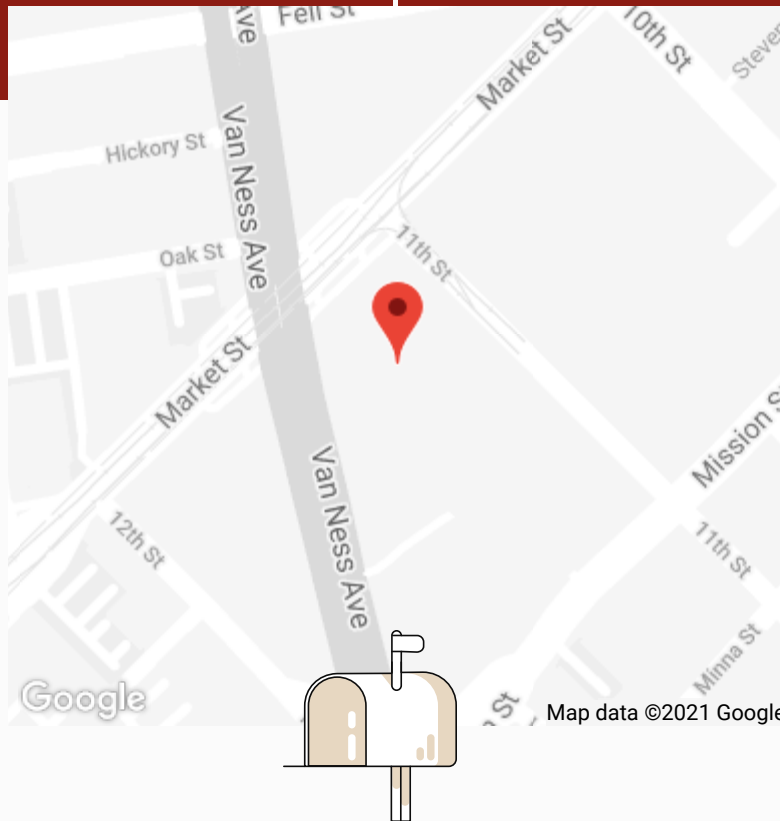
Online

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